

Tamworth Regional LEP 2010 - Goonoo Goonoo Road Business Development Rezoning

Proposal Title : **Tamworth Regional LEP 2010 - Goonoo Goonoo Road Business Development Rezoning**

Proposal Summary : **This Planning Proposal seeks to:**

- 1. Rezone land from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist;**
- 2. Alter the minimum lot size and floor space ratio controls of the subject land; and**
- 3. Remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone.**

This will facilitate an increase in the availability of commercial lands that will attract a range of new economic activity including bulky goods premises and warehouse uses that require a large floor area.

PP Number : **PP_2014_TAMWO_003_00** Dop File No : **14/19572**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.3 Mining, Petroleum Production and Extractive Industries
 1.5 Rural Lands
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported.**
- 2. Prior to public exhibition, Council:**
 - (a) amend Parts 1 and 2 of the Planning Proposal to clearly show that this Proposal includes the rezoning of land (New England Highway) to SP3 Tourist as well as the amendment of the minimum lot size and floor space ratio controls for that land;**
 - (b) amend the table on page 5 to remove reference to 470-506 Goonoo Goonoo Road, being Lot 1 DP 999490 & Lot 1 DP 516989 to reflect that this land (Transgrid site) will not have floor space ratio controls applied;**
 - (c) amend Parts 1 and 2 of the Planning Proposal to articulate that the current land use of Lot 1 DP 853320, a place of public worship, will become a prohibited use in the proposed B5 Business Development Zone and that its continued operation is secured through existing use right provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.**
- 3. The Planning Proposal be exhibited for 14 days;**
- 4. The proposal be completed within 9 months;**
- 5. The Director-General's delegate agree that the inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 3.4 Integrating Land Use and Transport are justified by the South Tamworth Rural Lands Master Plan and 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are justified due to the proposal's consistency with a Department approved local strategy or as matters of minor**

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significance;

6. Consultation with the Essential Energy, Transgrid, NSW Road and Maritime Service and the Office of Environment and Heritage (flooding and Aboriginal cultural heritage) be undertaken;

7. Draft LEP Maps prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size and floor space ratio are to be prepared and included in the public exhibition material; and

8. A written authorisation to exercise its plan making delegations for this matter be issued to the Council.

Supporting Reasons : The proposal seeks to amend the Tamworth Regional LEP 2010 to implement the recommendations of the South Tamworth Rural Lands Master Plan and to ensure that appropriate planning provisions apply to the area that support growth and employment into the future.

Panel Recommendation

Recommendation Date : 25-Nov-2014

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 26-Nov-2014

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 9 months

Gateway Determination : 1. Prior to public exhibition, Council is to:

- (a) amend Parts 1 and 2 of the planning proposal to clearly show that the proposal includes the rezoning of land (New England Highway) to SP3 Tourist as well as the amendment of the minimum lot size and floor space ratio controls for that land;
- (b) amend the table on page 5 to remove reference to 470-506 Goonoo Goonoo Road, being Lot 1 DP 999490 and Lot 1 DP 516989 to reflect that this land (Transgrid site) will not have floor space ratio controls applied;
- (c) amend Parts 1 and 2 of the planning proposal to articulate that the current land use of Lot 1 DP 853320, a place of public worship, will become a prohibited use in the proposed B5 Business Development Zone and that its continued operation is secured through existing use right provisions of the EP&A Act and Regulation 2000; and
- (d) prepare draft LEP maps in accordance with the Department's standard technical requirements in relation to zoning, minimum lot size and floor space ratio.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:

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- Essential Energy;
- Transgrid;
- NSW Road and Maritime Service; and
- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

26 November 2014